

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LUIS OLMEDO ESPINOZA and GILBERTO PACHECO, individually and on behalf of all other persons similarly situated who were employed by 42-15 235TH STREET HOSPITALITY, LLC. formerly known as SOUTHERN HOSPITALITY RESTAURANT GROUP, LLC, 1460 SECOND AVENUE RESTAURANT GROUP, LLC, SHNY RESTAURANT GROUP LLC, and/or EYTAN SUGARMAN and/or any other entities affiliated with, controlling, or controlled by 42-15 235TH STREET HOSPITALITY, LLC., 1460 SECOND AVENUE RESTAURANT GROUP, LLC and/or EYTAN SUGARMAN,

Plaintiffs,

- against -

42-15 235TH STREET HOSPITALITY, LLC. formerly known as SOUTHERN HOSPITALITY RESTAURANT GROUP, LLC, 1460 SECOND AVENUE RESTAURANT GROUP, LLC, SHNY RESTAURANT GROUP LLC and/or EYTAN SUGARMAN and/or any other entities affiliated with, controlling, or controlled by 42-15 235TH STREET HOSPITALITY, LLC., 1460 SECOND AVENUE RESTAURANT GROUP, LLC, SHNY RESTAURANT GROUP LLC, and/or EYTAN SUGARMAN, individually,

Defendants.

CIVIL ACTION

Index No. 12-cv-5722(JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Declaration of Kara Miller, the exhibits attached thereto, and the Memorandum of Law in Support, the undersigned will move this Court before United States District Judge John G. Koeltl, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, on a return date set by the Court, to certify the collective action and permit Court supervised notification to members of the collective action pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b).

PLEASE ALSO TAKE NOTICE that any opposition is due on or before December 7, 2012 and any reply is due on or before December 21, 2012.

Dated: New York, New York
November 16, 2012

VIRGINIA & AMBINDER, LLP

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*Attorneys for Plaintiffs and members of the putative
class*